



Environmental
Protection Agency

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

June 27, 2011

RE: BRITTANY COMMONS
3GC04871*AG
VILLAGE OF LAKEMORE
SUMMIT COUNTY

Mr. Steve Botnik
Brittany Commons Development Company LTD
1653 Merriman Rd-Suite 204
Akron, Ohio 44313

Dear Mr. Botnik:

On June 21, 2011 this writer met with Jim Fox and Rick Combs, Brittany Commons, Jason M. Popiel, P.E., Krock Esser Engineering (representing the Village of Lakemore) and Joan Hug-Anderson, Summit Soil and Water Conservation District. The purpose of my visit was in response to a complaint from a resident of Brittany Commons that the storm water sedimentation basin for the current development is discharging sediments into Hidden Lake adjacent to the development. The complainant also alleged that Hidden Lake has been filled in with sediment from past development in the area. I had previously inspected the site on May 26, 2011 and found that the basin was discharging storm water heavily laden with sediment. The effluent quality from this basin was very turbid and caused discoloration of Hidden Lake in the vicinity of the storm sewer outlet. Pictures are attached for your reference.

On June 21, 2011 the basin was in the process of being enlarged. We have three concerns with this basin and they are as follows:

- 1) Was the Stormwater Pollution Prevention Plan amended for the current basin enlargement?
- 2) Part III.G.2.d.ii of the stormwater permit calls for the installation of a basin states in part:

"The sediment settling pond volume consists of both a dewatering zone and a sediment storage zone. The volume of the dewatering zone shall be a minimum of 1800 cubic feet (ft³) per acre of drainage (67 yd³/acre) with a minimum 48-hour drain time for sediment basins serving a drainage area over 5 acres. The volume of the sediment storage zone shall be calculated by one of the following methods: Method 1: The volume of the sediment storage zone shall be 1000 ft³ per disturbed acre within the watershed of the basin. OR Method 2: The volume of the sediment storage zone shall be the volume necessary to store the sediment as

calculated with RUSLE or a similar generally accepted erosion prediction model. The accumulated sediment shall be removed from the sediment storage zone once it's full. When determining the total contributing drainage area, off-site areas and areas which remain undisturbed by construction activity must be included unless runoff from these areas is diverted away from the sediment settling pond and is not co-mingled with sediment-laden runoff. The depth of the dewatering zone must be less than or equal to five feet. The configuration between inlets and the outlet of the basin must provide at least two units of length for each one unit of width (> 2:1 length:width ratio), however, a length to width ratio of 4:1 is recommended."

The current basin does not appear to be in compliance with the above design. We request that you verify whether or not the basin meets the above requirements.

- 3) The outlet structure is a perforated tee design with a restricted outlet. At the time of the inspection there was very little gravel around the pipe and it appeared to be clogged with sediment. This is the last picture attached for your reference. We strongly recommend that you use the Rainwater and Land Development Manual from the Ohio Department of Natural Resources to redesign this outlet structure and replace the current outlet structure.

Also noted during the inspection were numerous piles of dirt from the recent excavation of the basin on the upslope side. Mr. Combs indicated that the piles will soon be used to construct pads for new construction. We emphasized that this should be done as soon as possible to avoid the next storm water event from washing the soil back into the basin.

Please be advised that this storm basin discharges to Hidden Lake which is considered waters of the state of Ohio. Discharging storm water that discolors waters of the state of Ohio is a violation of Ohio Administrative Code 3745-1-04. We discussed your company dredging the lake around the storm sewer outlet to remove accumulated sediment from the storm water basin. Dredging in this situation is regulated by the U.S. Army Corps of Engineers. After conferring with Chantelle Lesley, U.S. Army Corps of Engineers, Orwell Office, the following information was gained:

- 1) If you stay on the bank of Hidden Lake with the excavation equipment, no permit is necessary from the Corps.

Mr. Steve Botnik
Brittany Commons
June 27, 2011
Page 3

- 2) If you enter the water at any point with equipment, then you are limited to removing 25 cubic yards of dredgings. Anything more will require an application for permit to the Army Corps of Engineers and approved permit.

We discussed the timing of the aforementioned dredging. It should be done when the sedimentation basin has been fully stabilized and the site infrastructure is complete to minimize further sediment discharge. This should be done at a low flow point in the year when the lake is not overflowing the dam to prevent a downstream discharge of disturbed sediments. This office should be notified in advance as to the date and the scope of the work.

You are requested to respond in writing to this office no later than July 7, 2011 with an adequate response to those items listed above. Please include a copy of any revisions made to the SWPPP. If you should have any questions, feel free to contact this writer at (330) 963-1136 or by e-mail at phil.rhodes@epa.state.oh.us.

Sincerely,



Philip P. Rhodes, P.E.
Environmental Specialist II
Division of Surface Water

PPR/mt

cc: Jason M. Popiel, P.E., Krock Esser Engineering, Inc.
Joan Hug-Anderson, Summit Soil and Water Conservation District





